

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

AUG - 5 2014

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. Supreme Court

Edward W. Miller, Circuit Court Judge

Case No. 09-CP-23-0741
Appellate Case No. 2013-001026

Freddie Eugene Owens, #5065,

v.

State of South Carolina.

**PETITIONER'S MOTION FOR SECOND
EXTENSION OF TIME TO FILE REPLY**

Petitioner, Freddie Eugene Owens, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant a second extension of time, for an additional 30 days, in which to file his Reply to Respondent's Return to Petition for Writ of Certiorari. The relevant background and reasons for this second request are set forth below.

1. The Petition for Writ of Certiorari was filed in this matter on November 6, 2013. Respondent requested and received six (6) thirty-day extensions of time before ultimately filing a Return on June 23, 2014. Respondent simultaneously filed a motion to exceed the page limitations, requesting permission to file a Return of up to 125 pages in length. On July 1, 2014, undersigned counsel received this Court's order granting Respondent's motion.

2. Due to the unusual length of Respondent's Return, as well as existing obligations in other cases, undersigned counsel submitted a first request for a 30 day extension of time in which to file a Reply on July 2, 2014.¹ This Court granted that motion, extending the time to file the Reply to Monday, August 4, 2014.

3. While undersigned counsel had every intention of meeting the filing date sought via the first extension request, doing so has now been made impossible as counsel has been dealing with a personal health issue for the past five days, and is now expected to be incapacitated for at least a full additional week, and perhaps longer. In light of that unanticipated (and unavoidable) development, counsel has no option but to request a second extension of time in which to file the Reply in this case. Because of the possibility that her illness could linger beyond this initial week, and because her present incapacitation will lead to an accumulation of obligations in other cases as well as this one, undersigned counsel requests that the filing date for the Reply in this case be extended by an additional thirty (30) days. If this extension is granted, the new filing date would fall on or about September 3, 2014.

THEREFORE, for the reasons stated above, petitioner respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the Reply due on or about September 3, 2014.

Respectfully submitted,

EMILY C. PAAVOLA
SC Bar No. 77855
Death Penalty Resource & Defense Center
900 Elmwood Avenue, Suite 101
Columbia, SC 29201
(803) 765-1044

¹ Counsel for Respondent lodged his written consent to that extension request several days later.

KEIR M. WEYBLE
SC Bar No. 12075
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853
(803)765-1044

BY: Emily C. Paavola
COUNSEL FOR PETITIONER *EP*

August 4, 2014

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 09-CP-23-0741
Appellate Case No. 2013-001026

Freddie Eugene Owens, #5065,

v.

State of South Carolina.

CERTIFICATE OF SERVICE

I, Jill Rider, hereby certify that I have served upon the attorney for the Respondent one (1) copy of Petitioner's Motion for Second Extension of Time to File the Reply in the above referenced case by depositing a copy of the same in the United States Mail, first class, postage pre-paid, addressed as follows:

J. Anthony Mabry
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

This 5th day of August, 2014, in Columbia, SC.


Jill Rider

RECEIVED

AUG - 5 2014

S.C. Supreme Court